

REMARKS

Favorable reconsideration and allowance of this application are respectfully requested.

Reconsideration and withdrawal of the restriction requirement advanced in the Official Action of November 8, 2006 is requested in view of the amendments presented above and the remarks below.

I. DISCUSSION OF CLAIM AMENDMENTS

At the outset, the Examiner will observe that the claims have been amended so as to be definitively directed to a product per se – i.e., a biodegradable fibrous support. More specifically, independent claim 19 has been amended so as to clarify that the biodegradable fibrous support for soil mulching comprises a coating of an aqueous solution which is comprised of 5 to 50 wt.% of a biodegradable polymer, the balance to 100% including water, and stabilizing and preservative agents for the latex.

In addition, the claims have been amended so as to be fully commensurate with 35 USC §112, second paragraph.

The various alternative expressions (i.e., the relative positioning of the gird vis-à-vis the support as originally defined in claim 26, and the alternative amounts and components defined in original claims 19, 22, 28 and 34) have been presented as new claims 37-46. Each such new claim is however dependent directly or indirectly from independent claim 19 which, as noted previously, defines a biodegradable support per se.

Therefore, claims 19-46 remain pending in this application for which an action on the merits is solicited.

GIRARD et al
Serial No. 10/524,136
January 5, 2007

II. RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION OF SPECIES

So applicants may be deemed to be fully responsive to the November 3, 2006 Official Action, the claims of Group II, including original claims 19-28 and 32-36 drawn to a product (fibrous support) are elected for prosecution herein. As noted above, however, since independent claim 19 and all its dependents are now clearly drawn to a product (fibrous support), an examination on the merits of all pending claims 19-46 is believed to be in order.¹

In response to the asserted election of species, applicants elect for further prosecution the species of Species-IISTBF (prior claim 24 and 25). All claims appear to read on the elected species with claims 19-23, 26-38 and 40-46 being generic thereto.

Favorable action on the merits of all pending claims 19-46 is awaited.

Respectfully submitted,

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¹ Applicants respectfully fail to see how a single independent claim – i.e., prior claim 19 – could possibly have been patentably distinct from itself as asserted in the restriction requirement advanced in the Official Action of November 3, 2006. Specifically, applicants fail to see how a single claim could be considered *not* to be so linked to itself as to form a single general inventive concept. Thus, while prior claim 19 *may* have been objectionable under 35 USC §112, second paragraph, it clearly was not patentably distinct from itself. In any event, the amendments made to independent claim 19 and the claims dependent therefrom render such an issue moot.